

REMARKS

Claims 1-12 are pending in this application. None of the claims were amended in this response. Favorable reconsideration is respectfully requested.

Claims 1-7 and 9-12 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Fuzell-Casey et al.* (US Pat. Pub. 2004/0039661). Dependent claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Fuzell-Casey et al.* (US Pat. Pub. 2004/0039661). Applicants respectfully traverse these rejections.

Specifically, *Fuzell-Casey* does not disclose a configuration for “mapping locations of wireless transmitters having associated transmitter representative data and positioned for *processing exposure of one or more market research participants for a market research area*,” and “inputting *transmitter location data* in the portable device representing *selected locations of the wireless transmitters relative to the market research area*; and associating transmitter representative data with respective transmitter location data in the portable device to *produce data that maps the locations* of the wireless transmitters with the associated transmitter representative data, wherein said transmitter representative data comprises information regarding at least a part of the exposure of the one or more market research participants to one or more commercial items in the market research area” as recited in independent claim 1, and similarly recited in claims 3 and 5.

The claimed configuration is generally directed to audience measurement, where user exposure to various products, displays, etc. located in a commercial establishment is processed. As part of the exposure measurement, transmitters are configured near specific products and displays to provide exposure data via transmitter representative data to portable meters (see [0033-37]). Thus, each transmitter has a relationship to each product/display it is in close proximity to. As part of a set-up process, market researchers need to arrange data maps to provide exposure information relative to a geographic area.

In contrast, *Fuzell-Casey* discloses an electronic shopping network, where users utilize portable devices to create shopping lists, and be provided information on the location of various items in the store ([0037]). Here, a server (FIG. 3, 334) contains the information for all items in the store, and communicates to the portable device locations of the items using wireless transmitters (FIG. 2, 220). It is important to note that the wireless transmitters in *Fuzell-Casey*

bear no relation to the items in the store. *Fuzell-Casey* discloses that the wireless transmitters need only be located in a region where a user's device may establish a connection (see [0031]: "the wireless base stations 328, 330 and 332, are located throughout the store 310 to ensure that each user within the store is able to maintain a connection with the in-store selection network"). Thus, *Fuzell-Casey* does not deal in specific transmitter locations, and accordingly does not teach or suggest using "transmitter location data in the portable device representing selected locations of the wireless transmitters relative to the market research area." It follows that *Fuzell-Casey* is not directed to detecting exposure, nor is the information used to *produce* maps as presently claimed. For at least these reasons, Applicant submits the rejection to independent claims 1, 3 and 5 is improper and should be withdrawn. As claims 2, 4, 6-7 and 9-12 depend directly and/or indirectly to the independent claims, they are allowable for the same reasons. Moreover, the deficiencies of *Fuzell-Casey* discussed above are equally applicable to claim 8. Applicant maintains that the rejection under §103(a) is also improper and should be reversed.

An early Notice of Allowance is earnestly requested. If any fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 120913. If such a deduction is made, please indicate the attorney docket number 52579- 113195 (P0123A) on the account statement.

Respectfully submitted,

BARNES & THORNBURG LLP

BY /Peter Zura/

Peter Zura
Reg. No. 48,196
Customer No.: 23644
Phone: (312) 214-4596

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